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J. C. Patterson
Manager
McDonnell Douglas Corporation
Plant Engineering, Department 890
Box 516
Saint Louis, Missouri 63166

Dear Mr. Patterson:

Thank you for your letter of December 9, 1985, concerning the status of your perchloroethylene recovery process from your carbon absorption units. As you are aware, the State of Missouri has received Final Authorization to operate the base Federal hazardous waste management program. This was granted on December 4, 1985. Missouri's program includes definitions of solid and hazardous waste management equivalent to those definitions presented in the correspondence of April 3, 1984, from Robert L. Morby to T. W. McMahon of McDonnell Douglas Corporation. Therefore, for your Missouri facility, the governing regulations have not changed and we must again conclude that the perchloroethylene is a listed hazardous waste and must be managed appropriately.

On January 4, 1985, the Environmental Protection Agency promulgated regulations for the re-definition of solid and hazardous wastes. Those revisions did provide additional considerations for the recycling and reclamation of material that might otherwise have been considered hazardous waste. After re-considering both the information McDonnell Douglas has presented on its processes and the recent re-definitions, the Agency cannot make a determination that your activity is not a regulated hazardous waste activity. Your activity, under these re-definitions, is still a fully-regulated hazardous waste management activity. However, it appears that your process may be eligible for a variance under a provision of the new regulations, 40 CFR 260.30. That section states, in part, a variance may be obtained from classifying a material as a solid waste on a case-by-case basis when the re-claimed material requires further processing. Subparagraph (c) may be the appropriate variance for your situation. The standards and criteria for a variance are listed in 40 CFR 260.31. The procedures for obtaining the variance are listed in 40 CFR 260.33. Further explanation of the issues to be considered are described in the Federal Register, January 4, 1985, page 655.

The State of Missouri has not yet completed its adoption of the Federal re-definition of solid and hazardous waste. Missouri's regulations are in effect for all hazardous waste management facilities in the State of Missouri. The Missouri Hazardous Waste Commission has recently adopted the Federal re-definitions. When the re-definitions are adopted (this event is planned for October 1986) you may make a petition for a variance to the Director of the Missouri Department of Natural Resources, Dr. Fredrick A. Brunner.

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If I can provide additional information on this topic please contact me or Chet McLaughlin at (913) 236-2852.

Enclosure

Sincerely yours,

Michael J. Sanderson
Chief, RCRA Branch

cc: Stan Jorgenson
Director, Waste Management Program

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